
Message

From: Mississippi Department of Environmental Quality [rwilbur@mdeq.ms.gov]
Sent: 7/20/2018 1:07:45 PM
To: Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]
Subject: News Clippings July 20, 2018 -- Full Stories

State

One Lake flood control supporters face uphill battle downstream

Clarion Ledger

The One Lake Project is the latest variation of a decades-long aim to prevent another catastrophic flood from inundating Jackson and the surrounding municipalities. Since the Easter Flood of 1979, flood control for the metro area has been a topic of discussion. Proposals over the years have included the Shoccoe dry dam upstream to hold water during a flood, levees in northeast Jackson, then a Two Lakes project and now the One Lake project.

The \$340 million One Lake project also has an economic development component, opening up waterfront locations for mixed-use economic development in the metro area.

What would it do?

The project goal is the dredging and excavation of the Pearl River to widen, deepen and straighten seven miles of the waterway that would reinforce the existing levee system and allow development of waterfront property along a newly created 1,500-acre lake.

The project includes the relocation and improvement of an existing weir to a location four miles south, near Interstate 20.

A weir is an impervious barrier constructed across a river to raise the water level on the upstream side. The water is raised up to the required height and the water then flows over the weir.

Is there a need?

Project supporters point to the Easter Flood of 1979 that inundated a wide swath of downtown Jackson and surrounding Rankin County municipalities. Floodwaters sent the Pearl River 15 feet above flood stage.

More than 17,000 residents of Jackson, Flowood, Pearl, Richland and other communities were forced from their homes. In all, the flood was among the most costly and devastating ever to occur in Mississippi, with \$500 million to \$700 million in damages, equivalent to \$1.69 billion in present-day terms.

The Rankin-Hinds Pearl River Flood & Drainage Control District, which is overseeing the project, is a state agency tasked with flood control, conservation, and development of lands and property within the district. State statute gives the district power to cooperate with the federal government in undertaking flood and drainage control projects "for the protection of property, controlling floods, reclaiming overflow lands, and preventing overflows."

The district has administered and maintained the current levees on the Hinds and Rankin sides of the Pearl River since their completion in 1967. Federal flood control measures date to the early 1900s. Studies have been conducted over the past 60 years; however, no major flood reduction measures have been put into place since the Easter flood.

Who supports it?

The Jackson City Council, following field trips to the areas of the Pearl River that would be most affected by the project, voted Tuesday to authorize the project go-ahead. The largely symbolic 6-to-1 vote was opposed by Councilman Kenneth Stokes, who said the seven-

member district board could vote against measures to ensure minority participation in the project.

Jackson Mayor Chokwe Antar Lumumba said he is withholding an official endorsement for the project until after the public comment sessions are over.

"I do have some environmental concerns with the project, but I'm going to reserve judgment on this until the people have spoken," Lumumba said at a recent City Council meeting.

Like several council members, Lumumba said he needs to see how Jackson would benefit from the project economically.

"If it doesn't pay, Jackson doesn't play," he said.

In addition to Lumumba, the Rankin-Hinds Pearl River Flood & Drainage Control District board includes Flowood Mayor Gary Rhoads, the board president; Pearl Mayor Jake Windham; Richland Mayor Pat Sullivan; Rankin County Supervisor Billy Orr; Hinds County Board of Supervisors representative Robert Graham and Jackson businessman Leland Speed, representing the state. Garry Miller is the executive director.

Dallas Quinn of the Pearl River Vision Foundation, a nonprofit in favor of One Lake, pointed to the wide expanse of green space along the existing levees and the Pearl River, unseen to most metro Jackson residents, as a source of great opportunity.

"Just imagine this area converted into a park, a playground, a pavilion. Unlike just about any city with a nearby river, it's not being used right now, and it has so much potential," Quinn said.

Who opposes it and why?

Criticism of the project continues to mount as municipalities downstream of the Pearl River, as far as the Gulf Coast and St. Tammany Parish in Louisiana, worry the project would disrupt and destroy a vital part of the Pearl River ecosystem. The Pearl River forms the border between Mississippi and Louisiana as it flows southward into the Gulf of Mexico.

The damming of the Pearl River would mean a decrease in water flow downstream, critics have argued, which would threaten endangered species and oyster production, which Gov. Phil Bryant has concluded as a top priority for the Coast following the devastating effects of the April 2010 BP oil spill on the industry in Mississippi.

The Mississippi Coast-based environmental group Gulfcoast Restoration Network, for example, says the project would threaten federally protected species the Gulf sturgeon and the ringed sawback turtle. Dredging, critics say, would also have a detrimental impact on wetlands, which reduce the impact of floods, absorb pollutants and improve water quality. There are also questions over whether there are less disruptive measures the district could take as an alternative to flood control, such as levee improvements, channel modification and clearing and nonstructural options.

So far, several government bodies have passed or are considering resolutions that oppose the upstream project.

Louisiana's St. Tammany Parish voted to oppose the One Lake project in 2013. In 2015, Mississippi's Commission on Marine Resources crafted a resolution against damming the Pearl River to protect freshwater flow to the Coast to help the ailing oyster industry.

Since then, government bodies in Washington Parish and Marion County have adopted resolutions opposing the project. Most recently, the Monticello Board of Alderman, Lawrence County Board of Supervisors and Slidell (Louisiana) City Council have presented resolutions against One Lake and Pearl River and Hancock counties are mulling over resolutions of their own.

The Gulf Restoration Network is joined in its opposition to One Lake by 26 similarly focused organizations that recently signed a petition to the district to delay the public comment period until a "fully completed" environmental impact statement is ready.

Andrew Whitehurst, water policy director for the network, said in a news release the impact statement is incomplete until it includes a biological assessment and opinion, fish and wildlife coordination act report and an independent external peer review report.

"Those of us reading and commenting on the documents so far are finding it to be nothing more than an argument for building an amenity lake on the Pearl River, not an objective analysis of alternatives. State taxpayers have provided \$1 million for this incomplete

document which does all it can to discount downstream concerns about physical changes to the Pearl River from dredging and more damming.

"Despite the sponsor's statements to the contrary, the lake alternative presents clear problems for water quality, wetlands and wildlife habitat, coastal fisheries, and downriver towns and industries with discharge permits," Whitehurst said.

Will there be public hearings?

The district is conducting a series of public hearings, which is a necessary component of the Corps of Engineer's report. There, district officials said, they will address concerns and also pay close attention to what's required by law, said Quinn. There are funds in the project budget to mitigate negative impacts "by restoring, improving, or conserving considerably more wetlands, as required by law."

"We hope to counter some of the misinformation, or misperceptions that are out there. That's what the public forums will be for," he said.

<http://www.hattiesburgamerican.com/story/news/2018/07/19/uphill-battle-downstream-one-lake-project-supporters/756425002/>

Pile of burning metal caught on camera in Gulfport

WLOX

A 30-foot pile of scrap metal went up in flames in Gulfport on Thursday.

The fire happened at Southern Scrap Recycling near Lorraine Road, according to Chief Beyerstedt with the Gulfport Fire Department. In a video of the fire, you can see plumes of smoke over a heaping pile of metal parts.

A gate initially blocked firefighters, but Chief Beyerstedt said the team used bolt cutters to get through.

An aerial truck was used to put water on the fire and extinguish it.

<http://www.wlox.com/story/38688549/pile-of-burning-metal-caught-on-camera-in-gulfport>

SALTILLO CURRENTLY IN PROGRESS TO IMPROVE WATER QUALITY

WTVA

The City of Saltillo is getting closer to improving its water quality for residents.

Earlier this month, Public Service Commissioner Brandon Presley convened a meeting with the city's officials and the public.

Ultimately, the city voted to switch to river water. This came after several complaints from citizens about brown water.

Saltillo Mayor Rex Smith says the city is now in the progress of a two-step solution to clear up the water.

The first is to make the existing four-inch water main larger to 12 inches. This will give a lot more volume to the water, he says.

The second step is to send preliminary plans to the Northeast Mississippi Regional Water Supply District to get approval to reconnect to river water.

"I've sent a letter requesting the reconnection of river water," Smith said. "And as soon as they give us permission and we will start getting prices for getting it connected back up and get everything turned over to river water."

The meeting with the Northeast Mississippi Regional Water Supply District is scheduled for next Thursday.

<http://www.wtva.com/content/news/Salttillo-currently-in-progress-to-improve-water-quality--488644701.html>

Aldermen approve plan for Ridgeland Costco fueling station

MBJ

The Ridgeland Board of Aldermen voted 4-3 Tuesday night to move forward with a site plan allowing a Costco Wholesale Store fueling station.

But the plan faces a legal obstacle much like the plan for the Costco Wholesale store that was struck down by the Mississippi Supreme Court.

That 7-0 vote by the Supreme Court on April 21 said the aldermen's amendment of a zoning ordinance was illegal and done only to accommodate placing the store on the east side of Highland Colony Parkway as the anchor for the third phase of the Renaissance at Colony Park mall.

Nine residents in the vicinity filed a lawsuit in 2016, contending that the building of the wholesale outlet on the 45-acre site with its a fueling station would attract heavy traffic and change the complexion of the area, which includes upscale neighborhoods.

The city won a victory in Madison County Circuit Court but lost at the state's highest court. But the ruling did not preclude the building of the 100,000-square-foot-plus store – only that it could not include a fueling station as part of that plan.

So the Issaquah, Wash.-based chain approached the city with a plan for a separate station, which is just south of the 45-acre Phase 3 site and on the west side of Highland Colony Parkway.

The developer is Renaissance at Colony Park Phase 3 LLC headed by Jackson-based Andrew Mattiace.

The minority of the aldermen argued against the fueling station plan, which was recently passed unanimously by the city Architectural Review Board, because the city has not approved the wholesale store site in the wake of the Supreme Court ruling.

Nevertheless, the board approved the station, which would use slightly more than two acres of a nine-acre parcel.

A lawsuit was filed May 21 in Madison County Circuit Court alleging that the city has acted "in direct violation of the law" to accommodate the station.

Steve Maloney, one of the attorneys for the plaintiffs in the latest case, Beard et al v. City of Ridgeland, said Tuesday night that "this is another end run" by the city. The city had not been served with the suit as of Tuesday, Maloney said earlier.

McGee said Thursday in a phone interview that "obviously, the lawsuit has no merit," calling it "frivolous."

Plaintiffs in the case that went to the Supreme Court said that the city acted surreptitiously in amending the zoning ordinance for the specific benefit of Costco.

The latest lawsuit, which includes six of the nine plaintiffs in the first case, contends that the city decided against allowing a storage facility on the two acres of the nine-acre parcel only after the city fared poorly in oral arguments before a three-justice panel of the Supreme Court on Feb. 5.

Previously, the city Zoning Board approved a plan for Storage Park Properties LLC to rezone the nine-acre parcel to C-3 to C-2, and grant it conditional use.

But after the unfavorable Supreme Court ruling, the board of aldermen imposed a 90-day moratorium on storage facilities, then changed the zoning ordinance, blocking storage facilities on C-3 property.

The suit cites an interview in the Northside Sun on May 10 that said that storage facilities would not be good "first impressions of the city."

Maloney, who lives in the Greenwood Plantation neighborhood in the vicinity of the site, told the aldermen that they were taking up the matter of a Costco fueling station before the way was cleared for the Costco store.

"You're putting the cart in front of the horse," Maloney said.

Ward 1 Alderman Ken Heard, who would be one of the three voting against the site plan, asked: "What would we have if Costco doesn't come?"

City Attorney Jerry Mills said: "A fueling station."

Maloney said after the meeting that he sometimes disagrees with what the city considers legal – and so does the Mississippi Supreme Court.

[#//msbusiness.com/2018/06/aldermen-approve-plan-for-ridgeland-costco-fueling-station/](http://msbusiness.com/2018/06/aldermen-approve-plan-for-ridgeland-costco-fueling-station/)

William Carey opens pharmacy school: 'Maybe we can end the shortage'
Hattiesburg American

BILOXI — Hattiesburg resident Gloria Rawls had always wanted a career in the medical field. The 2015 William Carey grad is finally pursuing her dream. She's one of 58 students in the first class to enter Carey's new School of Pharmacy on the Tradition Campus in Biloxi. Carey's program is only the second in the state and it's the first professional school on the Coast. For Rawls, the location is perfect. She wouldn't have been able to attend pharmacy school at Ole Miss, the state's other program, because she has a son, 10, and a daughter, 6. "I think this is great," she said. "I can drive right down the road. I'm excited and ready for it to start."

Orientation was held Thursday and Friday on the Tradition Campus. The three-story, 33,000-square-foot Pharmacy Building has a price tag of \$7 million. It won't be ready for move-in until October. But classes start July 23 in temporary digs in Building B.

This first class of students will be looking for jobs in two years, 10 months. Carey has an accelerated program. It usually takes four years to get a degree, but students here will be taking classes year-round in four terms of 10 weeks each.

Carey's is one of only 11 accelerated programs in the nation. It is the only such program in Mississippi, Alabama and Louisiana.

Job prospects are good for the students. Mississippi has a shortage of pharmacists, which Rawls found out when job shadowing one. She's hoping children, nieces and nephews will all follow in her footsteps.

"It makes me feel like this is the path I'm supposed to take," she said. "Maybe we can end the shortage. Maybe we can all go to pharmacy school and bring more pharmacists to Mississippi."

Douglas DeGeorge will soon be retiring as an officer with the Biloxi Police Force to pursue a career as a pharmacist. Fortunately for him, William Carey opened a pharmacy school on the Coast.

"I'm at a point in my career where I'm close to retirement and lo and behold, William Carey pops up with this pharmacy school," he said. "It's right here at home. I can go to school and see my family and kids every night."

"That fact that it's in south Mississippi is why I'm here. There's nothing like having something close to home that you want to do."

DeGeorge said knowing there's a shortage of pharmacists in the state was one of many reasons he chose to pursue this career.

"I think we pulled the numbers the other day and Mississippi had about 4,000 pharmacies, which in this day and age is exceptionally low," he said. "With the population living longer, people are going to need their medicines."

According to healthcareers.com, Mississippi is among five states showing a demand for pharmacists, along with Alaska, Louisiana, Oklahoma and Arkansas. The latest Aggregate Demand Index figures from the Pharmacy Workforce Center put Mississippi at a 4 out of 5, indicating demand for pharmacists is moderate and there is some difficulty filling open positions.

"In south Mississippi in particular, they've had a tough time recruiting pharmacists," said Michael Malloy, dean of the School of Pharmacy. "Across the nation right now, there's enough jobs for all these graduates."

Malloy thinks graduates of the school may stay in the area and fill some of the empty positions.

"Since there wasn't a school here (before), you couldn't build a culture of pharmacy here," he said. "Students have a tendency once they graduate to either go back home or stay where they're trained."

Provost Scott Hummel said the School of Pharmacy will not only help reduce the pharmacist shortage in Mississippi, but add to Carey's medical portfolio, which includes medical, nursing and physical therapy programs in Hattiesburg. The combination of these programs will be a

benefit, he said, in a state like Mississippi, which is largely rural and has many low income areas.

"This certainly will be a huge factor in being able to address the shortage of pharmacists, but it is also about the overall role of pharmacy with (medical), nursing and physical therapy that together will increase access to health care and the quality of health care in Mississippi," Hummel said.

The School of Pharmacy is financially supported by gifts from the public and private sector, including a \$1 million grant for accreditation support that is part of the RESTORE program, established after the BP oil spill and overseen by the Department of Environmental Quality. "The accreditation of the William Carey School of Pharmacy will be a boost to the economy for south Mississippi, as well as making a difference in students' lives," Gov. Phil Bryant said in a news release. "We're pleased to support the university with RESTORE funds that were allocated for this important initiative."

Those funds are a boon to student Candace Webber, who lives in Gulfport, and is thankful she doesn't have to go to Ole Miss to study pharmacy.

"I love it — it's at home," she said. "I don't have to separate from my family. South Mississippi needs this."

At a glance

William Carey School of Pharmacy

Location: Tradition Campus in Biloxi

Construction cost: \$7 million

Building status: Under construction; will open in October

First day of school: July 23; classes will be held on Tradition Campus in Building B

Number of students: 58

Make-up of student body: Many from south Mississippi, Alabama, Louisiana, one from Worcester, Massachusetts

Tuition: \$40,000

School year: Four sessions of 10 weeks each; meets year-round

Time to get a degree: Two years, 10 months

Earning power: U.S. Bureau of Labor Statistics reports average pharmacist salary is \$120,270 a year

Job prospects: Employment is projected to grow 6 percent from 2016 to 2026. Increased demand for prescription medications will lead to more demand for pharmaceutical services.

<http://www.hattiesburgamerican.com/story/news/education/wcu/2018/07/19/william-careys-new-pharmacy-school-could-address-pharmacist-shortage/794976002/>

New pharmacy students receive orientation

WXXV

Today, the very first incoming class to the new school of pharmacy at William Carey University's Tradition campus got a taste of what they can expect from the upcoming semester.

University President Dr. Tommy King and Dean of the school of pharmacy Dr. Michael Malloy welcomed the class of 2021 at orientation. The students picked up nametags, took ID photos, and enjoyed breakfast with their fellow classmates.

The school of pharmacy at the Tradition campus in Biloxi officially opens on July 23rd with a class of 60 students. Student Candace Webber said, "It's great that it's here on the Coast because it's easier for me, having kids, to be able to get here instead of going away to Ole Miss or Mobile, Alabama having that hour drive. It's perfect."

Dr. Malloy said, "We've been embraced by the Coast and that means a lot to us and hopefully we can give back what they've given to us."

William Carey's school of pharmacy offers the only accelerated three year doctor of pharmacy program on the Coast from New Orleans to Pensacola.

<http://www.wxxv25.com/2018/07/19/new-pharmacy-students-receive-orientation/>

William Carey opens Coast's first pharmacy school

WLOX

HARRISON COUNTY, MS (WLOX) - South Mississippi students looking to get into pharmacology will no longer have to travel miles away to do so. The Gulf Coast's first pharmacy school opened Thursday morning at William Carey University's Tradition campus. While the 33,000-square foot facility is not expected to open for a few more months, the school's first pharmacy students were at the university Thursday morning to begin a two-day orientation. They will attend classes temporarily in another building until the construction on the pharmacy school is complete.

Dr. Michael Malloy, dean of the pharmacy school is looking even further into the future. "We're just the beginning of something I think is going to grow much larger," said Dr. Malloy. Sitting right on Highway 67, just north of D'Iberville, the college is the first of its kind for South Mississippi. William Carey began interviewing students last fall for the program's coveted spots, accepting 60 students for the pharmacy school's first year. Those students are set to start classes next week. Because of the accelerated program, they will graduate in just three years as the Class of 2021.

While there are plenty of students fresh out of undergraduate programs, there are those like Biloxi Police Officer Doug DeGeorge furthering their education.

"For the longest time I was one of those people who thought I was done, and then when this opportunity came up, I said I've got to jump on it," said DeGeorge.

William Carey's School of Pharmacy offers the only accelerated, three-year Doctor of Pharmacy program on the Coast from New Orleans to Pensacola.

Another student, Candace Webber, always wanted to be a pharmacist, but life happened, and plans changed.

"I ended up leaving pharmacy school at Xavier University due to some family issues. Then I ended up going to Alcorn State University where I got my first bachelor's degree in health science," said Webber.

Webber has worked as a pharmacy tech for more than a decade. Seeing that William Carey's accelerated program could have her graduating in less than three years sold her on getting back to the books.

"After being a technician for so long and knowing the process and I've always desired to be a pharmacist, I decided it's time to go back to school," said Webber.

The newly constructed \$7 million building is located on an emerging campus adjacent to new and upcoming health science centers, clinics and research centers.

For more information on the program's specifics or to apply for admission, visit William Carey's website [HERE](#).

The school got approval from the National Accreditation Board just in time for this orientation of its first class.

<http://www.wlox.com/story/38682399/william-carey-opens-coasts-first-pharmacy-school>

Pensacola International Airport approved for \$56M Triumph grant for expansion, 1,700 jobs

PNJ

The Triumph Gulf Coast board voted in favor of awarding the Pensacola International Airport a \$56 million grant to expand its maintenance, repair and overhaul hangars, and potentially bring in more than 1,700 new jobs to Pensacola.

The board made the vote at its meeting Wednesday in DeFuniak Springs, where the board also voted on four other projects, including an \$8.5 million award for Whiting Aviation Park in Santa Rosa County.

The Pensacola award is Triumph's largest award yet from the board charged with distributing the first \$300 million of a \$1.5 billion settlement with BP after the 2010 oil spill.

"I am very thankful to the Triumph Board for the confidence they have shown in our City by making this significant grant," Pensacola Mayor Ashton Hayward said in a written statement.

"The creation of approximately 2,000 jobs in the aviation industry will not only will provide

opportunity for families in our community for years to come, but will also be a magnet to attract talent to our great city and region."

VT Mobile Aerospace Engineering opened the first 173,000-square-foot hangar at the airport recently, and the company began operations June 8 with UPS as its first client. When fully developed, the campus will include four new maintenance, repair and overhaul hangars, administrative headquarters and warehouse/shop buildings, all owned by the city.

Pensacola's MRO request was the largest submitted to Triumph so far with an initial \$130 million request — 65 percent of the project's total cost.

The BP settlement payments run until 2033, and BP will pay the state \$80 million each year, with Triumph deciding to award the money for economic development projects in the eight counties impacted by the oil spill.

Board members voiced support for the airport project at their June meeting in Pensacola, but wanted the project to secure funding from other sources before moving it forward.

"This may have the potential to be our white whale," said board Chairman Don Gaetz at the June meeting. "This is a big project. We're talking about a lot of jobs. Good jobs for Northwest Florida. So, too early to do anything except sight the whale off the bow."

Board member and Gulf Power CEO Stan Connally said in June the airport project was possibly the most transformational project in front of the board. He said he would also like to see more funding partners emerge.

"There's a lot of energy behind this one, and we just made a nice major announcement in this community for this region," Connally said. "Shame on us as a community if we don't take advantage of that sooner versus later before we lose that fish."

The vote Wednesday was the first of two votes the board must take to award the \$56 million grant. The next vote will be on a term sheet with conditions for the award.

"The Triumph grant to Pensacola's aviation authority is contingent upon obtaining more than \$75 million now being sought from city, county, state and federal sources and \$59 million in commitments to the project by private companies," said a Triumph Gulf Coast press release announcing the award. "Triumph's funds will be paid over a period of years with each payment dependent upon jobs created and sustained."

Triumph's \$8.5 million investment in infrastructure improvements at Whiting Aviation Park in Santa Rosa County is predicted to bring in 200 jobs and strengthen the tri-county region's "aviation cluster." The industrial park will cover a 267-acre parcel on the fence line of NAS Whiting Field and allow private industry to assist and support military maintenance operations.

"This project will create hundreds of new aviation-related jobs not only for our citizens but for employment throughout the region," Don Salter, Santa Rosa County commissioner for District 3, said in a statement.

"This has been one of our county's number one economic development projects for many years and it would not have been possible without the support of the Triumph Gulf Coast board of directors."

According to Santa Rosa County, the next step for the Whiting project is agreement on a term sheet that will be brought back to the Triumph board for approval.

The projects approved Wednesday in Escambia, Santa Rosa, Bay, Wakulla and Okaloosa counties represent the potential for 3,100 jobs, Gaetz said in the press release.

"These transformative investments will directly create over 3,100 high-paying jobs, generate hundreds more jobs in support and supply areas and grow Northwest Florida as a leader in aviation and aerospace," Gaetz said in the release.

<http://www.pnj.com/story/news/2018/07/19/pensacola-airport-approved-56-m-triumph-grant-hangars-1-700-jobs/798755002/>

Regional

As trial winds down, EPA cleanup continues at north Birmingham Superfund site
Al.com

The bribery trial for a lawyer and coal executive accused of trying to avoid an environmental cleanup in north Birmingham is nearing an end, but cleanup operations conducted by the U.S. Environmental Protection Agency will continue for some time at the 35th Avenue Superfund site.

EPA Region 4 spokesman James Pinkney said more than 50,168 tons of soil have been excavated from properties in the residential neighborhoods Collegeville, Fairmont and Harriman Park neighborhoods of north Birmingham because tests showed they contained unsafe levels of potentially harmful substances like arsenic, lead or benzo[a]pyrene.

Pinkney said soil has been removed from 389 properties in the area, while 138 additional properties have tested above the EPA's removal limits for those substances.

It will take at least two more years to finish removing the tainted soil from properties that have already been tested, Pinkney said.

EPA is still seeking access to some properties within the site boundary, as they must have the owner's permission before sampling the soil. It is possible additional properties could require remediation.

In the trial, which finished closing arguments Thursday, Drummond Coal vice president David Roberson and attorney Joel Gilbert of Balch and Bingham are accused of bribing State Rep. Oliver Robinson to oppose adding the site to the EPA's National Priorities List, and to expand the footprint of the site to neighboring communities in Tarrant and Inglenook.

EPA Region 4 Administrator Trey Glenn was called to testify in the trial because of work he did as a private consultant before he was appointed to his position at EPA.

Glenn, who is now overseeing the regional office in charge of the cleanup, was previously paid as a consultant to help Gilbert and others prevent the site from being expanded or added to the National Priorities List.

Drummond is one of five potentially responsible parties identified by EPA, and could be forced to pay for part of the cleanup, which Pinkney said has cost about \$23 million so far.

When asked if the trial or issues surrounding the trial had any impact on the cleanup operations, Pinkney said: "No."

[#/www.al.com/news/birmingham/index.ssf/2018/07/as_bribery_trial_winds_down_cl.html](#)

'We are a forgotten community': North Birmingham residents speak about bribery trial
Al.com

As a federal bribery trial comes to a close, the quality of life continues to deteriorate for those living in northern Birmingham.

Just take a drive down 35th Avenue North in the Harriman Park neighborhood early in the morning and late at night, where resident Keisha Brown said a chemical smell hangs in the air. She describes the scent as smoke mixed with sewage and it's one of the aspects of living on a Superfund site, the name given to areas that are being investigated and cleaned by the U.S. Environmental Protection Agency due to high levels of pollution. Along with Harriman Park, parts of the Collegeville and Fairmont neighborhoods make up the site.

Brown cites the smell to the two coke plants near her home. The closest one to her, ERP Compliant Coke (often called by its former name Walter Coke) is one of the oldest industries in the city. Heavy rail lines separate ERP from another plant, ABC Coke, in the neighboring town of Tarrant. Other industrial facilities are scattered across northern Birmingham.

The legacy of the city's coal and steel history touches nearly every aspect of northern Birmingham life – on land, in the air and, according to Brown, in their bodies. EPA testing showed the soil was laced with arsenic, lead and benzo(a)pyrene, which is classified as a carcinogen by the International Agency for Research on Cancer. The EPA listed ABC Coke, owned by Drummond Company, as one of the five industries deemed potentially responsible to pay for the estimated \$23 million pollution cleanup.

Brown said she hasn't paid much attention to the trial in which prosecutors were trying to convince a jury that Balch & Bingham attorney Joel Gilbert, who represents Drummond, and a Drummond executive David Roberson gave former state representative Oliver Robinson \$360,000 to push back against the EPA's requests to add the superfund site to the National

Priorities List and to expand the site into the neighboring Inglenook neighborhood and Tarrant. Roberson and Gilbert deny the allegations.

A second Balch lawyer was also facing six felony charges along with Roberson and Gilbert, but the judge dismissed the lawyer from the case on Monday because an FBI agent said she may have misled the grand jury about the lawyer's involvement.

No matter the outcome, Brown said the people will still be hurting in the end.

"I am hurt and my community is hurt. We are the ones suffering every day," Brown said. "That was the main thing before that situation happened. Even when the trial is over, we will still have the same issues."

Many of the neighborhood residents are elderly and ill, Brown said. Those who cannot afford to move away are dying out, she added. She said many of her neighbors are experiencing lung and skin diseases and cancer.

But taking the brunt of the environmental issues is just part of the problem. Brown feels the residents are cut off from the rest of the city. About a decade after the closing of Carraway Methodist Medical Center, family members, friends or neighbors have been shuttling the elderly to their doctor's appointments in south Birmingham. Overgrown lawns are consuming dilapidated homes. Last month, Brown said residents contacted the city about a possible sinkhole, but nothing has been done.

"We are a forgotten community," Brown said. "I feel like I am in a third-world country. I don't know what it's going to take. (We) are nonexistent community until it benefits other people...It's like they are blind folded. They know it's a problem, but they say, 'I don't live in it. I don't care. That's their problem.'"

Brown isn't sure how EPA's effort will help the community. During the cleanup, the agency replaces the old, contaminated dirt with new sod, but Brown says the pollution coming from the plants is still falling onto the neighborhood and coming into the homes through the windows, the air conditioner and the attic.

"Why replace it with grass when the same chemicals still coming down? The problems are inside my body not out in the grass," Brown said, "You live in your house. You don't live outdoors."

After the trial is over, Brown hopes to see new infrastructure and care for her neighborhood. She wants renovated streets, a clinic for those who are sick, an effort to transport people to and from their doctor's appointments. But none of that can be done if they can't get an honest official, Brown said.

"I pray that God will touch somebody heart to come in and make things better for the people who are left here," Brown said. "Eventually, people who are going to do a little bit better are going to leave and it's going to be a ghost town."

Charlie Powell stared in shock into the mouth of what used to be the entrance of Carraway hospital's emergency room entrance on Tuesday afternoon.

What used to be a trauma center and the place where Powell was born in 1953, is now a shell of shattered windows and graffiti-laced hallways. Hospital beds and other equipment, blanketed with dirt and dust, still occupy many of the rooms.

The hospital is an example of the deteriorating state of his home community, Powell said. He is the president of People Against Neighborhood Industrial Contamination, or PANIC, a grassroots group that believes the industrial companies should assist northern Birmingham residents in relocating to cleaner neighborhoods by buying their homes. Then industries can turn the area into an industrial park, Powell said.

"The hospital, businesses, clinics are gone," Powell said. "They wrecked the community. The only things that are doing well now are the funeral homes and the police department."

Powell, 65, believes both sides would win if the residents were relocated. The EPA is financing the estimated \$20 million cleanup through a trust fund and will seek reimbursement through negotiations with the parties deemed responsible for the pollution. About two years ago, PANIC counted the number of houses in each community. Powell said Collegeville had the most with 1,600, although some of the properties were abandoned. Harriman Park had 280 and Fairmont had about 300. The median home values in all three areas range between \$49,800 to \$66,300.

"Wouldn't it be more economical just to relocate the people?" Powell asked.

There won't be justice unless people are removed from polluted areas, Powell said. Robinson pleaded guilty to federal bribery, conspiracy, fraud and tax evasion last year and testified in court that Drummond wanted to use his role as a legislator and the trust he gained from his city to convince the people of north Birmingham to oppose EPA's efforts. As part of the plea deal, Robinson had to testify against Gilbert and Roberson. "Oliver Robinson, he defrauded us. He's trying to get his time broken down and admitted to this," Powell said. "What is there next step? Their next step should be, as I said, get my people out of there. Buy this worthless property up." Powell tried to stay in Fairmont, where he spent 42 years of his life drinking milk from cows that were eating contaminated grass and drew water from possibly contaminated wells and springs. He once owned seven rental properties in the area. He was planning to turn one of the residences into a split-level home for him and his wife. But when that property burned down, Powell and his wife moved to Center Point in 2000. "The bank told me not to rebuild the house because this is a declining neighborhood," Powell said.

Now he only has two rental properties in Fairmont. The others were either burned or torn down, but Powell still heads to the neighborhood to mow the lot where the homes used to be and take care of the homes he has left.

Since the move, Powell says he no longer has to sleep with a CPAP machine, which is commonly used for sleep apnea. His wife, who is from Collegeville, had surgery for colon cancer nine years ago. Six months ago, she had surgery again for cancer in her liver.

"I blame it on the pollution. Our city council member died of cancer. Our neighborhood president and secretary? Cancer," Powell said. "It's bad to even talk about. We were having 2 funerals a week."

Powell doesn't see enough life coming in to keep up with the deaths. The adults who want to stay are leaving their homes for their children who don't want to live on contaminated soil, he said. Although the EPA is cleaning the soil, the plants are still releasing smoke into the air. "How can you clean the air is the plants are still doing it?" Powell said. "I don't think justice has been served. People are going to jail for doing wrong, but Walter Coke is still doing wrong."

Powell stressed that by moving the people away from the neighborhoods, the people can become healthier and the plants can continue their business.

"Walter Coke has been there for more than 130 years. It's not going anywhere," he said. "We are not asking them to move. We are asking them to buy our properties and continue doing what they are doing."

EPA spokesman James Pinkney told AL.com on Wednesday that the trial hasn't affected the cleanup, which is expected to take two more years. So far, 50,168 tons of contaminated soil has been removed from 389 properties. There are 138 properties left to go.

Fairmont resident Bruce Woods said he was told his yard wasn't contaminated despite being down the street from Walter Coke and finding toxins in his neighbor's yard across the street. The report didn't make sense to Woods, who can stand on his front lawn and see the grey smoke streaming out from one ERP's smokestacks. Woods rinses the dust off his black Chrysler 300 and house windows every day. If he skips this morning routine he says the fine particles will scratch up the paint job on the car and the soot will accumulate on the window sill.

"I've been breathing this in since I was a kid," Woods said. "If my mom knew about it, she wouldn't of never stayed here."

Woods, 56, was raised in the Fairmont area after his family moved from Collegeville in 1975. He lives in the same home where his mother raised six children on her own. It was also the place where she died of lung and breast cancer in 1994.

Woods said his mother never smoked and neither did he. But in 2011, large tumors were found in his leg, hand and arm. He was diagnosed with prostate cancer the same year. He has been in remission since 2012, but cysts and tumors have formed on his liver.

Betty Collins has not given up on her community of Collegeville.

She grew up in the neighborhood until she got married in the early 70s. But Collins, 62, still takes the 45 minute drive every Sunday from her Trussville home to Saints Tabernacle AFM Church in Collegeville where she has made brothers and sisters through her faith.

While Collins takes blood pressure medication, she has had to watch her church family go through emphysema and cancer. So Collins takes it upon herself to take care of the ill. "Just because moved to another place, I look at it as if I'm still there," Collins said. "I don't look at it like, 'Well, I'm gone. So I don't have nothing to do with it.' That's not in my character."

But being a caretaker comes at an emotional price. Throat cancer took her father-in-law – a struggle she witnessed as she took him to his doctor appointments. The same situations were happening at the church.

"A lot of them have died off from being infected because they live in Collegeville, Harrison Park and Tarrant," Collins said. "It was a lot."

Seeing her loved one suffer is one of the reasons she's upset about Robinson pleading to accepting a bribe. She believes the money could have been used to help the elderly get to and from their doctor visits or helped them with medical expenses.

If she could see Robinson, Collins said she has a few questions for him.

"Do you feel any remorse about what you did to us? What drove you to have to deceive people," Collins said. "You had a choice to say yes or no. What frame of mind were you in when you decided because you chose to say yes to something that you shouldn't have done."

Marva Ingram warns visitors that they are about to go back in time before welcoming people into her Fairmont home.

Black soot has seeped into the ceiling of her living room. With the ERP plant about a mile away, she sometimes wakes up to a booming sound early in the morning. The noise is loud enough to rattle the house, causing mirrors to fall off the wall, she said. A patchwork of tile and plywood make up the floor of her home because she had to remove the carpet this summer. The dust in the fibers was messing with her COPD, a chronic lung disease that makes it hard for Ingram to breath.

Ingram believes her dream home was taken from her. She was a couple of months in to her nursing career at Northway Health and Rehabilitation when she first moved into the residence in October 1986. The \$17,500, beige and brown home was Ingram's proof that she was becoming a self-sufficient woman. She painted the outside blue, added on a carport and a porch. The plan was to use money from her 401k to renovate the house when she retired. But that never happened due to medical reasons.

"I didn't know I would be living in a death trap," Ingram said, now 67.

After experiencing shortness of breath and weight loss for an extended period of time, a coworker pushed her to take time off work and go to the doctor in September 2014. Her oxygen levels were below 70 when her doctor diagnosed her with bronchitis, which is a type of COPD, anemia and asthma.

"The person who looked at my X-ray asked me if I worked at a plant. I looked at him and laughed because I was ignorant to the issue," Ingram said. "My doctor hospitalized me from right there. He personally pushed me in the wheelchair and was wondering how I was breathing."

She was hospitalized in Preston for two weeks. But Ingram said the COPD made her an annual visitor. In 2015, she stayed in the hospital for a week. After being hospitalized the third time in 2016, she retired from nursing. The money she wanted to use for the renovation was used to pay off her home and medical bills.

"Money I worked so hard and saved for 30 years gone," Ingram said.

Ingram is trying to manage the life she has now. Her weight dropped from 185 in 2014 to 128 due to her illness. To keep her weight up, she has to drink nutritional drinks every day, which is an expensive purchase for someone who is on the fixed income of social security. With no money to move, Ingram tries her best to keep the home up as best as she can. A new water heater took most of the money she had for the month. So she had to wait until next month to be able to fund the items need to paint her house.

She tries to keep a pulse on the Balch & Bingham case whenever the newspaper hits her porch. The situation leaves her hesitant to vote as she read about how other politicians tried to push away the EPA. During the third week of trial, an advisor to the former Alabama Department of Environmental Management director testified that former governor Robert Bentley sent a letter to ADEM to oppose the Birmingham Superfund site listing. Multiple

Republicans have accused former Alabama Attorney General Luther Strange of taking two \$25,000 campaign donations from Drummond. Strange's campaign manager called the allegations "fake news" at the time.

That trusting bond between Ingram and politicians is gone now, she said.

"I don't listen to what they say because they are lying. They are not for us. They are for themselves," Ingram explained. "I know there are some people out there you can trust, but as of right now, I don't trust any of them, male or female alike, when it comes down to politics."

Robison's deed leaves a bad taste in her mouth because he was willing to put a price tag on the community's trust.

"Chump change to sell our people," she said. "He didn't get a quarter of a million dollars. He didn't even get a million dollars. He sold us out for \$365,000. Now, is it worth it?"

http://www.al.com/news/birmingham/index.ssf/2018/07/we_are_a_forgotten_community.html

TDEC Releases Proposed Beneficiary Mitigation Plan For Volkswagen Environmental Mitigation Trust

The Chattanooga

The Tennessee Department of Environment and Conservation today released for public comment a proposed Beneficiary Mitigation Plan for implementing the State's initial allocation of \$45.7 million from the Volkswagen Diesel Settlement Environmental Mitigation Trust.

"The proposed plan would reduce harmful air pollutants that negatively impact our environment, health and quality of life," said TDEC Commissioner Dr. Shari Meghreblian. "We look forward to receiving public feedback and ultimately supporting projects that protect clean air in our state."

The purpose of the Trust is to execute environmental mitigation projects that reduce emissions of nitrogen oxides (NOx). The State's proposed plan targets the largest contributors of mobile NOx emissions in Tennessee, including the on-road, diesel heavy duty sector and the on-road, non-diesel light duty sector.

As NOx emissions contribute to the formation of ozone and particulate matter, reductions in emissions will assist in the State's efforts to maintain compliance with the National Ambient Air Quality Standard (NAAQS) for Ozone and Particulate Matter.

The proposed BMP and a recorded presentation may be accessed here. The public is encouraged to review the proposed BMP and submit comments

at http://www.tn.gov/environment/vw_bmp or via email to TDEC.OEP@tn.gov. The public comment period will remain open for 30 days following the date of the release of the proposed BMP. TDEC will accept comments through 5 p.m. CST on Aug. 17. All comments and input received will be reviewed and considered by TDEC personnel. The BMP will then be finalized, submitted to the Trustee and released to the public.

Following the finalization of the BMP, TDEC will release funding opportunity announcements and/or project solicitations for corresponding programs. TDEC will also host workshops throughout the state and/or via webinar in order to provide the public with information regarding the proposal process, program and project eligibility, timelines for implementation and reporting requirements.

Interested persons and entities are advised to sign up for the VW email list

at <http://signup.e2ma.net/signup/1843437/1737620/> in order to receive related email updates on topics including, but not limited to, BMP finalization, funding cycles and project solicitation.

For additional information on the Volkswagen Diesel Settlement in Tennessee, visit the TDEC Office of Energy Programs website here.

<http://www.chattanooga.com/2018/7/19/373093/TDEC-Releases-Proposed-Beneficiary.aspx>

Soil Contamination Could Bend David Beckham's Miami Soccer Plan

Bloomberg

David Beckham's latest proposal to build a pro soccer stadium in Miami might hinge on the cost to clean up soil contamination from the city's long-shuttered trash incinerators.

The soccer superstar is partnering with Miami businessman Jorge Mas to pitch a \$1 billion plan for converting a city-owned golf course into a Major League Soccer stadium, public park, and mixed-use real estate development. But first, they will have to figure out whether the plan is worth the cost of remediating soil that is expected to contain pollution from heavy metals. "Quietly, this is the potential dealbreaker of the project," Miami City Commissioner Ken Russell told Bloomberg Environment July 17.

Once the developers begin testing the soil, he said, "they'll know pretty quickly whether it's within their budget."

The proposed stadium site meets environmental requirements for its current use as a golf course, Russell said.

The ash has been covered by a permeable cap. But converting the site to a different use could mean digging up the ash and moving it to a lined landfill. A similar cleanup on small water park adjacent to the golf course cost the city about \$9 million, he said.

Variable Cleanup Costs

The city and developers July 18 agreed to a tentative term sheet that requires Beckham's group to cover the full cost of the project, including environmental remediation. The project would require remediation—possibly including removal of contaminated soil—on about 130 acres of land.

The developers told the city they expect the remediation to cost between \$30 million and \$50 million, Russell said, but there are "so many variables" that it is hard to be confident in the estimates.

The development group didn't immediately respond to Bloomberg Environment's requests for comment July 18. The proposal is Beckham's latest plan to bring a Major League Soccer team to Miami, where the commission voted in 2014 in favor of efforts to work with Beckham on bringing a team.

The project faces other hurdles including public opposition from Miamians who feel burned by previous sports stadium deals. Miami Mayor Francis Suarez is advocating the project, but the commission is split over whether and how to move forward.

The city commission voted 3-2 on July 18 to send a ballot referendum to local voters in November that would authorize the city to skip its competitive bid process and negotiate directly with Beckham's group. One of the project's opponents sued just before the meeting, accusing the commission of flouting the city's own bid process and rushing the project without adequate public input.

Ash Contamination History, Lawsuit

If the city green-lights the project to move forward, it will become the latest chapter in Miami's story of incinerator ash contamination.

The site of the proposed stadium project now holds a golf course—the Miami International Links, also known as the Melreese Country Club—that was built in the 1960s using the city's trash incinerator ash as fill dirt, Russell said. The incinerators were shut down in the 1960s and 1970s amid environmental concerns, lawsuits, and court orders.

The city used the ash as fill in many of its public parks, according to Russell and Louise Caro, a lawyer and partner at Napoli Shkolnik PLLC in Miami. Caro is representing Miami residents in a proposed class action against the city that claims incinerator ash contamination in the West Grove area has caused health problems including heart and respiratory disease, cancer, and miscarriages.

Incinerator ash is known to contain pollutants such as arsenic, lead, mercury, dioxins, and polychlorinated biphenyls, according to Caro's lawsuit.

Having a high-profile athlete and celebrity such as Beckham involved should help ensure the remediation is done properly, unlike how the city has handled contamination at many of its other parks, Caro told Bloomberg Environment July 18.

"If they're going to do anything, I'm glad it's under the spotlight, because that's where it should be," she said.

<http://news.bloombergenvironment.com/environment-and-energy/soil-contamination-could-bend-david-beckhams-miami-soccer-plan>

Sharks and gators sometimes go tooth-to-tooth along the Florida coast

MELBOURNE, Fla. — At NASA's Kennedy Space Center, the cradle of man's most sophisticated technological feats, something beastly, reptilian, primal in nature lurks motionless among the salt marsh and mangrove swamps.

Nearby, another primitive creature glides through the shallows, its pointed tail propelling the ocean's apex predator toward a brutal Darwinian dance in which the most powerful jaw, quickest strike and the thickest skin often wins this war: shark versus gator.

The two seldom meet. When they do, their dance is no waltz in the national park. It can get ugly — and bloody — real quick at the Merritt Island National Wildlife Refuge, a 140,000 acre overlay of the Kennedy Space Center.

When these strangers dance, both see red, in tooth and claw.

America's space portal is where king of the sea and the boss of the swamp sometimes meet and chomp it out.

Here, gators usually win. But do sharks ever one-up and gobble down a gator?

"I'm sure they would," said Eric Reyier, a fisheries biologist at Kennedy Space Center's Ecological Program and Integrated Mission Support Services. "Both alligators and sharks eat whatever they can."

At times, that's each other.

Shark-gator run-ins are relatively rare, say researchers. Alligators tend to hang out in semi-salty swamps at Merritt Island refuge, while sharks prefer the coastal waters where we swim.

"These interactions are very hard to capture," said Russell Lowers, a wildlife biologist with Integrated Mission Support Services.

But these researchers do capture them, in photos, historical records, and by pumping gator guts to find evidence the top-dog reptile makes mince meat of sharks. It's not easy to find.

Gator guts are so acidic, all but teeth and scales are gone within days.

They have found evidence that gators eat nurse sharks, lemon sharks, bonnetheads and rays, a cousin species to sharks.

"It seems to be not very frequent but it's happening," said James Nifong, research biologist with the U.S. Army Corps of Engineers in Vicksburg, Mississippi. "We don't really know the frequency of this. There's not a lot of people pumping alligator stomachs and looking at something like this."

Nurse and bonnethead sharks that live mostly sedentary lives among the space center's shallows are sitting ducks for voracious, alert alligators. "The shark just bumps into them, and there you go," Nifong said.

A stingray glides by — forget about it. Nifong finds stingray barbs lodged in gator necks.

But who remains swimming is not always so cut and dry when larger sharks enter the fray.

Nifong and Lowers documented recent and historical accounts of shark-gator clashes, publishing their findings in the journal *BioOne*.

"And with no clear winners," Reyier notes. "That would have been a sight to see for sure."

They dug up an October 1887 edition of a sports magazine called the *Fish Gazette*, which describes a brutal alligator-shark brawl when gale force winds and rain made fresh and salt water worlds collide. According to the write-up, a Florida correspondent of the *New York Sun* gives "a curious account" of the combat between hundreds of the two prehistoric predators at Jupiter Inlet. Heavy eastern gales brought shoals of black bass from freshwater to Jupiter's coastal waters.

"Solid acres of salt-water fishes piled into the bight of the inlet, and fought for the sea-water that oozed through the sand at high tide. The alligators of the Everglades got wind of what was going on. They came down the Allokehatchie and Lakeworth Creek in scores, and attacked the fish dammed in the bight.

"The slaughter was astonishing," the account continued, with waters that turned to blood, carpeted with dead fish and an estimated 500 alligators swarming the scene.

"The beach was black with their mailed bodies. At night their muttered thunder fairly shook the foundation of the lighthouse."

Then one day a north wind arose, backing up water in the inlet. When waters rose further from wind and rains, fresh water burst through the sandy barrier, "and the pent up waters

were roaring and rising to the sea. The army of alligators was caught in the flood and carried outside. A terrific fight ensued. The neap-tide had brought hundreds of enormous sharks to the coast."

The sharks, sensing the blood-laden fresh water, made for the inlet. "Frantic after their enforced fasting during the storm they attacked the alligators."

The noise of the combat eclipsed the ocean's roar.

The article cites an eyewitness, the son of a Judge Paine, of Fort Capron, who said he saw sharks and alligators "rise on the crest of the waves and fight like dogs."

The losers floated in belly-up, rolling ashore in the waves.

For days carcasses drifted ashore: headless, tail-less gators, sharks nearly bitten in half.

The Gulf Stream swept the dead ashore to beaches as far north as Cape Malabar, more than 80 miles away. Clouds of vultures swarmed the shores. "Mr. Paine fancies that the sharks were two active for the alligators, but others say that the percentages of bodies on the beach indicated that the weight of the metal was in favor of the iron-clad reptiles."

Another account they found in *The Palatka Daily News* in May 1884 describes a roughly 10-foot-long shark and seven-foot-long gator near Pilot Cove, Florida. It didn't go so well for the gator: After multiple tries, the shark finally landed the mortal bite to the gator's thoracic region, severing the gator in two parts, one of which the shark promptly wolfed down.

An 1888 account Nifong and Lowers found by unknown authors describes a larger-than-life war between several gators and sharks in the Indian River Lagoon near Titusville. One gator was a 15-footer — probably an exaggeration, Nifong and Lowers conclude.

The sharks bit off gators' forelimbs and parts of their tails. Several sharks and gators died.

Some seem tall tales, spectacular accounts more akin to the 1800s version of "fake news?"

"You have to take some of it with a grain of salt," Nifong said. But, he says, "Just given that we found multiple records of it in multiple occasions," lends some credibility to the accounts.

"I think in any situation it comes to the size differential between the individual alligator and shark," Nifong said. "Larger individual will always have the advantage."

often, he says.

But at the Kennedy Space Center, gators reign supreme.

"At KSC there are fewer large sharks as compared to alligators, at least in the Upper regions of the estuary," Nifong added, "so simply based on numbers I would say there is a greater potential for alligators to consume more sharks than the reverse, but without proper investigation it's a best guess."

But which owns the Indian River Lagoon (IRL) at large?

Sorry sharks, you lose there too.

"On the sharks vs. gators, these days large sharks aren't as frequent in the IRL system so yes alligators probably have the advantage," Reyier said. "But alligators aren't common in the lagoon anymore either except in a few places like KSC. So the chances of interaction are reduced compared to historically. These days gators vs. stingrays is much more common."

Gator-ray run-ins also are difficult to witness.

But why does NASA even care?

Knowledge of which wildlife eat what at the space center helps refuge rangers figure out how best to manage federally protected species and their habitats there and gives them the knowledge base needed when seeking permits for new projects or activities at the space center that might impact wildlife.

"It's more about understanding about how those alligators are using that habitat," Nifong said.

NASA wants to know where sharks go, too. Just offshore of where NASA and SpaceX blast off toward the stars, Reyier surgically inserts transmitters the size of pen caps underneath sharks' tough, white underbellies, sews the wounds shut and releases the apex predators. The "pings" the transmitters emit reveal where sharks roam.

He and fellow researchers have a new project using the Liquid Robotics Wave Glider, a solar robot that autonomously surveys offshore of Cape Canaveral. It seeks tagged sharks and other fish, underwater biological sounds and ocean conditions.

The Wave Glider has even survived shark attacks.

Some gators don't survive them. But a shark gobbling down a gator isn't something most are likely to witness in their lifetime.

"You'd have to be real lucky to see that," Reyier said.

<http://www.usatoday.com/story/news/nation-now/2018/07/19/sharks-gators-florida-coast/804529002/>

National

Judge Dismisses New York City's Suit Against Oil Companies

Keenan says global warming and its solutions should be handled at the federal and international levels and by policy makers

WSJ

A federal judge in Manhattan dismissed New York City's lawsuit against five major oil companies Thursday, ruling that climate change and its effects are global issues that extend beyond the court's reach.

Judge John Keenan's decision is the latest in a string of similar cases to hit significant roadblocks. Lawsuits filed by the cities of Oakland and San Francisco against the same five companies, which also sought relief for the costs of addressing climate change, was tossed last month.

In January, the administration of Mayor Bill de Blasio, a Democrat, filed the suit, alleging the companies—Chevron Corp., BP PLC, ConocoPhillips, Royal Dutch Shell PLC, and Exxon Mobil Corp.—knowingly ignored the effects of fossil fuel production and played them down to consumers.

The administration asked for billions of dollars in damages, money it said was required to redress mounting environmental problems in the city.

Defense attorneys countered that blaming the oil companies for the magnitude of global fossil-fuel emissions would be impossible.

"Trying to resolve a complex, global policy issue like climate change through litigation is 'illogical,' and would intrude on the powers of Congress and the executive branch," said Chevron attorney Theodore Boutros Jr.

In his decision, Judge Keenan said global warming and its solutions should be handled at the federal and international levels and by policy makers. While climate change is a "harmful" phenomenon, he said the city's claim that oil companies are the "top sources of [greenhouse gas] pollution in the world" should be discussed at the international level.

"The immense and complicated problem of global warming requires a comprehensive solution that weighs the global benefits of fossil fuel use with the gravity of the impending harms," Judge Keenan said.

A spokesperson for Exxon Mobil Corp. said: "We have said all along that addressing the risks of climate change is a serious global challenge that should be addressed by policy makers and not by the courts."

Mr. de Blasio's administration plans to appeal the decision.

"The mayor believes big polluters must be held accountable for their contributions to climate change and the damage it will cause New York City," a spokesperson said.

<http://www.wsj.com/articles/judge-dismisses-new-york-citys-suit-against-oil-companies-1532040035?redirect=amp#click=#/t.co/xhcffeSfnJ>

EPA Report Faults Response to Flint Water Crisis

Weak oversight at local, state and federal levels delayed action to protect the Michigan city's residents from lead contamination

WSJ

Weak oversight at the local, state and federal levels contributed to and slowed the response to the Flint, Mich., water crisis, according to a report Thursday from the Environmental Protection Agency's inspector general.

Flint residents were exposed to high levels of lead after the city, under control of a series of emergency managers, switched its water source in 2014 without properly treating it, allowing

lead to leach from aging service lines. Tests showed many children in the city had elevated levels of lead as a result of the contamination.

The report found that the Michigan Department of Environmental Quality failed to implement two rules under the federal lead and copper rule, including maintaining an inventory of lead service lines for monitoring in the city and requiring the use of anti-corrosive additives in drinking water after the water switch.

A spokeswoman for the Michigan Department of Environmental Quality said the water crisis "highlighted the fragile nature of the aging infrastructure throughout the country, as well as a number of ways the federal lead and copper rule needs improvement and/or clarification."

She said that Michigan has "taken a lead role" in updating its lead and copper rule.

Scott Kincaid, 65 years old, who served on Flint City Council for 30 years before losing his seat in November, said he wished the EPA had stepped in to address the city's water quality sooner. But he welcomed the agency's announcement. He said lead pipes were replaced in his neighborhood in the past few weeks.

Mr. Kincaid said he no longer drinks the city's water, even though testing shows lead at safe levels.

"Unfortunately for us in Flint, we were the ones that had to suffer," he said. "But it has brought light to the seriousness of the quality of water in communities, particularly older industrial communities like Flint."

In a preliminary report, the inspector general said that the EPA had enough information and authority to impose a water emergency to protect residents in Flint seven months earlier than it did.

The final report said the federal response was delayed because the EPA didn't establish clear roles and responsibilities, risk assessment procedures, effective communication and proactive oversight tools.

"While oversight authority is vital, its absence can contribute to a catastrophic situation," said EPA Inspector General Arthur A. Elkins. "This report urges the EPA to strengthen its oversight of state drinking water programs now so that the agency can act quickly in times of emergency."

The inspector general recommended a number of changes to policies and procedures to improve oversight and said that eight of its nine recommendations were being implemented.

An EPA spokeswoman said the agency agrees with the report's recommendations.

The agency has "already taken steps to implement several of those recommendations and will continue to expeditiously adopt the rest," spokeswoman Enesta Jones said in a statement. "EPA has provided the Office of the Inspector General with a detailed outline of its planned corrective actions and projected completion dates."

"I absolutely agree that there needs to be an overhaul of the system," said Melissa Mays, a Flint resident, who has been outspoken on the city's water crisis and said she still has elevated lead levels in her tap water. "More action needs to be taken before the next city becomes Flint."

More than a dozen state and local officials have been charged with crimes related to the water crisis. After the city returned to its previous source of water, the lead levels eventually fell back below the federal action level.

The city of Flint didn't immediately respond to a request for comment.

[#/www.wsj.com/articles/epa-report-faults-response-to-flint-water-crisis-1532035765](https://www.wsj.com/articles/epa-report-faults-response-to-flint-water-crisis-1532035765)

Trump Administration Proposes Revamping the Endangered Species Act **Bloomberg**

A decades-old law credited with saving from extinction the American bald eagle, the iconic bird of prey whose image graces the presidential seal, would be reworked under a proposal the Trump administration announced Thursday.

Enforcement of the Endangered Species Act, which seeks to prevent plants and animals from becoming extinct, would be changed to make it easier to remove species from the list of protected ones. The proposal also makes changes that speed the approval process that

federal agencies are required to complete before making changes that could harm endangered species, and would weaken protections for critical habitat.

"We are proposing these improvements to produce the best conservation results for the species while reducing the regulatory burden on the American people," **Greg Sheehan**, the U.S. Fish and Wildlife Service's principal deputy director, said in a statement. "One thing we heard over and over again was that ESA implementation was not consistent and often times very confusing to navigate."

Bedrock Laws

The effort underscores the ways the Trump administration is moving to change bedrock environmental laws in a manner long sought by industry. In June, the administration began the process of overhauling the National Environmental Policy Act, which requires environmental reviews on projects ranging from oil fields to highways that require a federal permit. The **Environmental Protection Agency**, meanwhile, has used industry guidance documents and policy memos to dial back its oversight of air pollution under the Clean Air Act.

The Trump administration's proposals align broadly with measures being sought by Congressional Republicans.

The Endangered Species Act was signed into law by Richard Nixon in 1973 after an environmental movement triggered by events such as a fire on Cleveland's polluted Cuyahoga River, and the public backlash over the use of insecticide DDT. It protects species like the gray wolf, grizzly bear, and spotted owl, by designating them as endangered and barring hunting of them and the destruction of their habitat. The law protects more than 1,600 plant and animal species.

Logging and Mining

While the law is opposed by many in the logging, mining, farming and oil-drilling industries, environmentalists say they consider it sacrosanct, and that changes planned by the Trump administration will likely bring lawsuits.

"The Endangered Species Act is under attack because it is so effective. It's the strongest environmental law the United States has probably ever passed," said Brett Hartl, director of government affairs for the **Center for Biological Diversity**, an environmental group. "They have tried for a long time to weaken the law."

The changes, in the form of a trio of proposed rules, will be subject to public comment before they're finalized.

'Foreseeable Future'

The proposal changes the definition of the "foreseeable future," addressing the law's requirement that in a listing decision, the USFWS or the National Marine Fisheries Service must determine whether a species is "in danger of extinction, or likely to become so within the foreseeable future."

Under the plan, the definition of foreseeable future extends "only so far as we can reasonably determine that the conditions posing the potential danger of extinction are probable," the Interior Department said.

The proposal also rescinds what's known as the "blanket" Section 4(d) Rule. That would effectively require tailored -- potentially narrower -- protections for species listed as threatened, rather than extending to those species the same broad protections applied to the more serious category of endangered species.

"We hope they ameliorate some of the unnecessary burden, conflict, and uncertainty that is within our current regulatory structure," Deputy Interior Secretary **David Bernhardt** told reporters.

[#/www.bloomberg.com/amp/news/articles/2018-07-19/law-that-saved-bald-eagle-being-revamped-by-trump-administration?twitter_impression=true](https://www.bloomberg.com/amp/news/articles/2018-07-19/law-that-saved-bald-eagle-being-revamped-by-trump-administration?twitter_impression=true)

House votes to disavow carbon tax

The Hill

The House passed a nonbinding measure Thursday to denounce a carbon tax, calling it "detrimental" to the United States.

The resolution, sponsored by House Majority Whip Steve Scalise (R-La.), states that a tax on emissions of carbon dioxide — the most prevalent greenhouse gas that causes climate change — "would be detrimental to American families and businesses, and is not in the best interest of the United States."

It passed 229-180 with two members voting "present."

Six Republicans voted against the resolution: Reps. Carlos Curbelo (Fla.), Brian Fitzpatrick (Pa.), Trey Hollingsworth (Ind.), Mia Love (Utah), Francis Rooney (Fla.) and Ileana Ros-Lehtinen (Fla.).

Seven Democrats broke with their caucus to vote "yes": Reps. Sanford Bishop (Ga.), Henry Cuellar (Texas), Vicente González (Texas), Conor Lamb (Pa.), Stephanie Murphy (Fla.), Tom O'Halleran (Ariz.) and Kyrsten Sinema (Ariz.), who is running for the Senate.

Two lawmakers voted "present," indicating neither support nor opposition: Reps. Ryan Costello (R-Pa.) and Michelle Lujan Grisham (D-N.M.).

The risk of lawmakers passing a carbon tax is low, considering widespread GOP opposition and Republican control of both chambers of Congress and the White House.

But Republicans nonetheless felt it was important to make a statement to denounce the possibility.

"This resolution will send a clear signal to the American people that we oppose policies that would drive up energy prices for families and for businesses," Rep. Kenny Marchant (R-Texas) said Thursday on the House floor.

"A stand-alone carbon tax, generally, would have such detrimental effects on the economy and would be an unwarranted and transparent grab for revenue," he said.

"The adverse economic effects of such a tax would be felt throughout the economy, falling hardest on the most vulnerable, young, the poor, the elderly and those on fixed incomes."

Scalise said a carbon tax is a real threat. His home state, Louisiana, relies heavily on offshore oil and natural gas drilling for its economy, an industry that could be hit hard by a tax on the carbon emissions that fossil fuels create.

"Believe me, there are some people in Washington that are talking about trying to bring a carbon tax. To act like, 'Oh, there's no talk about it at all.' Clearly, there are people here in this chamber that want to impose a carbon tax," he said on the floor.

"Let's be clear about how devastating that would be to the American people," he said, citing research from conservative groups that a carbon tax would increase the average family's costs by \$1,900 a year.

Democrats dismissed the resolution as a waste of time instead of defending carbon taxes.

Rep. Richard Neal (Mass.), the top Democrat on the Ways and Means Committee, accused Republicans of squandering "the valuable time of this body arguing over a pointless resolution that will accomplish nothing for the people of America, whether it's accepted or rejected. Nothing."

Neal and his colleagues said the GOP should focus on other pressing issues, like access to health care and the impacts of last year's tax overhaul.

"Here we have a fake debate and fake legislation that's going nowhere, instead of actual real hearings," said Rep. John Larson (D-Conn.).

A similar resolution denouncing a carbon tax passed the House in 2016.

Carbon taxes are popular among Democrats and environmentalists as a way to charge companies and consumers for their impacts on the climate.

Some Republicans have endorsed the idea as well, like the conservative R Street Institute and a group of former GOP statesmen led by former Secretary of State Jim Baker. Baker's coalition launched its advocacy last year, trying to convince Republicans in Congress and the Trump administration that a carbon tax is a good idea.

Curbelo is making waves in the carbon tax debate with his plans to formally propose a carbon tax.

Curbelo, who voted in favor of the resolution condemning the idea of a carbon tax in 2016, said he is planning to introduce his carbon tax bill next week.

The legislation would eliminate the federal gasoline tax and replace it with a \$23-per-ton tax on carbon emissions on entities like power plants and oil refineries starting in 2020.

Curbelo — one of the most vulnerable Republicans in the House who represents a district heavily impacted by sea-level rise and other impacts of climate change — is looking for the levy to bring down carbon emissions and raise funding for infrastructure.

"We do price carbon, we also repeal the gas tax, which is regressive and is unfair to low- and middle-income Americans who drive traditional vehicles, like I do," Curbelo told reporters after the vote on the resolution.

"We also repeal the jet fuel excise tax. We have a regulatory moratorium, which will create a more positive business climate in the country. And we invest over \$700 billion in American infrastructure, which is definitely going to contribute to job growth and more prosperous outcomes in the country."

Curbelo said he wasn't discouraged by the vote, and was encouraged by the fact that six Republicans voted against the measure, compared with none on the 2016 version. But he said he knows his bill faces an uphill battle in this Congress.

"Look, I don't think that everyone who introduces a bill assumes that it's going to be voted on and passed a few weeks later. But this bill will be useful in the near future," he said. "There will be either a political alignment or some sort of crisis that requires or that facilitates the consideration of this type of concept."

Thursday's resolution also served as a major test for the Climate Solutions Caucus, which launched in 2016. It is a bipartisan group of 86 lawmakers, split evenly between the parties, who generally agree that they want to fight climate change, but rarely agree on policies to do so.

Rep. Ted Deutch (D-Fla.), who leads the caucus with Curbelo, told its members this week that the Scalise resolution represents an important opportunity to stand up for the climate.

"This is an important moment for the Climate Solutions Caucus to show the American people that Democrats and Republicans can stand together against anti-climate efforts," he said in a letter to the caucus.

In the end, 34 of the climate caucus's 43 Republican members voted for the resolution to denounce a carbon tax, and Murphy was the only Democrat in the group to vote for it. Those lawmakers said their votes don't change their commitment to policies to fight global warming.

"It's a stupid resolution, either way. It said nothing," said Rep. Mark Sanford (R-S.C.).

He added that all the various problems with carbon taxes the resolution listed "apply to the present gas and diesel taxes, and aviation taxes, which we already have in place."

Rep. Darrell Issa (R-Calif.) said he voted for the measure "because carbon tax isn't the solution." He listed energy efficiency programs and keeping nuclear plants open as more effective climate policies.

"That's what the Climate Solutions Caucus is about: what should be our priority, of that which we can agree on and can execute?"

[#/thehill.com/homenews/house/397848-house-votes-to-disavow-carbon-tax](https://thehill.com/homenews/house/397848-house-votes-to-disavow-carbon-tax)

Opinion

ALAN TURNER — Adding up the benefits of healthy workplaces

MBJ

There are many reasons why employers should adopt and support workplace wellness programs for their employees, but for our purposes, let's consider just two of these.

First, workplace wellness programs make major contributions to the health and happiness of employees and their families, and in many cases, have actually saved lives. More on this later in this article.

Second, workplace wellness programs also deliver major financial benefits for those companies which are committed to them. It's a proven fact that companies with good programs in place generally have far less lost work days due to illness, which obviously

increases productivity and efficiency for the company. Further, the insurance and medical costs for the company are generally far less than with companies which do not have good wellness programs in place. It's a simple fact that helping employees to adopt healthier lifestyles and improve their health options means they will spend less time in hospitals and clinics.

Thus, it seems clear that workplace wellness programs are a win-win for all involved. On Thursday, July 26, the Mississippi Business Journal, in concert with the Mississippi Business Group on Health and the Mississippi Department of Health, will host the annual Mississippi Healthiest Workplaces event, recognizing Mississippi companies which have great wellness programs in place. The honorees have been carefully evaluated for their programs, and awards are presented in a number of categories based on the size of the company and the effectiveness of its wellness programs.

We asked our partners and some of the winning companies for their thoughts on the event, and the importance of workplace wellness for them. Here are some of the comments we received:

Murray Harber, Executive Director of the Mississippi Business Group on Health:

"We're proud to be a partner in the Healthiest Workplaces Awards and have the opportunity to recognize Mississippi employers who show excellence in providing a healthy workplace. Mississippi has many great success stories from companies offering safe and healthy environments and wellness programs that promote employee health and well-being. This effort is making a difference for these companies and their employees and their families."

Victor Sutton, Office of Preventive Health, Mississippi State Department of Health:

"Research shows that investing in workplace wellness programs positively impacts worker health — and the bottom line."

Deidra Bell, St. Dominic's:

"St. Dominic's mission includes serving our community with compassionate care. This mission begins with our employees and their families. The Mississippi Healthiest Workplaces awards program recognizes the dedication of our employees to a culture of health and wellness that provides an Exceptional Experience Everytime to our co-workers as well as those we serve."

Edmond Hughes, Vice President, Huntington Ingalls Industries:

"We are honored to be named one of the healthiest workplaces in Mississippi. From our employee fitness center, family health center, which now includes vision services, to the annual 5K on the Causeway, we want to ensure that our employees are investing in themselves with a goal of having a healthy body, mind, and wallet."

Billy Sims, Senior Vice President, Southern Farm Bureau:

"I think it is important for employers to be recognized, to validate their commitment to individual health improvement and aid in creating a culture of wellness, both within their workforce and for a benchmark for others trying to improve both the cost and wellness of their workforce."

Our hat is off to the award winners at this year's event, because they have all made a true and positive difference in the lives of their employees and their families.

By way of example, we recently received some information from our friends at the Center for Disease Control, which was published during the recent National Hospital Week in May, an event which celebrates hospitals, health systems, and the women and men who support the health and well-being of their communities. It also gives hospitals an opportunity to focus on employees' health through their own workplace wellness programs. We appreciate these positive stories which illustrate just how important wellness programs are, and our thanks to the CDC for sharing the information, reprinted here by permission.

He was a ticking time bomb

Meet Fitz, a 51-year-old hospital employee in Jackson, Mississippi, who didn't realize he was a ticking time bomb until he went for a free annual health screening as part of his hospital's Healthy Lives workplace wellness program.

The veteran health professional knew how to remain calm under stress. For 17 years, he has moved patients between their rooms and surgery at St. Dominic's Hospital. Although he was cool as a cucumber, Fitz was having his own health emergency—and didn't even know it.

"I went to a Healthy Lives screening in 2016 because I wanted to take advantage of our workplace wellness program," says Fitz. "I was feeling fine. I signed in and went to get my height, weight, and blood pressure checked. The nurse encouraged me to go straight to the emergency room because my blood pressure was very elevated.

"I reluctantly went to the ER. From there I was admitted to the hospital and sent to the intensive care unit for three days to correct my blood pressure and sugar levels. I had no idea I was diabetic."

The scare persuaded Fitz to get serious about his health. Thanks to the Healthy Lives program, he began to meet regularly with a registered dietitian at no charge. He also began to learn more about nutrition and ways he could make healthy changes to his diet. Soon he started swimming and walking at the hospital gym. Now Fitz has lost 25 pounds, brought his blood pressure and sugar levels under control, and been able to cut down on his medicine intake.

"I've been blessed because if it hadn't been for St. Dominic's program, I could have died," he says.

Melissa Hinson, registered nurse and director of the Healthy Lives workplace wellness program, says, "With ever-changing employee needs, we work every year to bring new components into our program to engage our members." Some of the recent additions to the program include healthier food and drink options in vending machines. Hinson also worked with the hospital's dietary department to add healthier foods to the menu in the St. Dominic's deli and cafeteria.

Her heart attack was a wake-up call

Like Fitz, a licensed practical nurse named Debra had a wake-up call that inspired her to make big changes in her habits. She works with very ill patients at Magnolia Regional Health Center in Corinth, Mississippi, and it can be stressful at times. To make matters worse, Debra was overweight, smoked, and had diabetes. At age 44, she suffered a heart attack, and doctors put stents in her arteries to improve blood flow to her heart.

"I decided to do something about it," Debra says of her health problems. She took a class her employer offered on stress management. She lost 30 pounds after signing up for a weight-loss challenge and making a habit of treadmill walking at work. She entered a program at Magnolia Regional that helped her to stop smoking cigarettes. The Disease Management Program, sponsored by the hospital's main Wellness Program, pays for her blood pressure and diabetes medicines. She is required to track her readings on monthly log sheets, attend wellness classes, and speak with her employee wellness nurse/coach regularly.

"I really appreciate the hospital putting the time and resources into this wellness program to help us get better," she says. "We promote health and wellness. We should reflect that!"

Elizabeth Woodruff, registered nurse and employee wellness nurse/coach for Magnolia Regional's Wellness Programs, calls Debra a superstar. "She has decreased her medications, lost weight, quit smoking, and is eating healthier and exercising."

Most hospitals offer wellness programs

When it comes to promoting workplace health and wellness, St. Dominic's Hospital and Magnolia Regional Health Center have plenty of company. In 2017, CDC conducted the Workplace Health in America Survey, the first nationally representative survey of employers, including hospitals, regarding their workplace health programs, policies, and practices since 2004. National estimates¹ from the survey showed that:

83 percent of hospitals in the United States provide workplace wellness programs, compared to 46 percent of all employers.

63 percent of the hospitals offer health screenings, also known as biometrics, compared to 27 percent of all employers.

31 percent of the hospitals provide health coaches, compared to 5 percent of all employers. 56 percent of the hospitals have stress-management programs, compared to 20% of all employers. 55 percent of the hospitals offer counseling to help employees stop smoking, compared to 16 percent of all employers. This certainly stands as proof positive of how workplaces wellness programs are making a difference in the lives of Mississippians. Following the Mississippi Healthiest Workplace awards event, we'll be publishing information on the winners and their programs. They stand as great examples of how Mississippi companies can make a positive difference to so many people, and their example should serve as motivation for many companies who do not currently have a workplace wellness program in place.

[#//msbusiness.com/2018/07/alan-turner-adding-up-the-benefits-of-healthy-workplaces/](http://msbusiness.com/2018/07/alan-turner-adding-up-the-benefits-of-healthy-workplaces/)

Press Releases

Red Snapper season to reopen July 23

BILOXI, Miss. – The state recreational fishing season for Red Snapper will reopen in Mississippi territorial waters Monday, July 23, at 12:01 a.m. The season will close when the assigned recreational quota is reached.

All anglers must register their trips through MDMR's Tails n' Scales program, which is available through a smartphone app, a website and a call center. Anglers must register in the system and create a trip before fishing for Red Snapper. They must have a trip authorization number when they are out on the water. Trip authorization numbers expire after 24 hours; anglers should report their catch before the trip expires. The previous trip must be closed before creating a new one.

U.S. Fish and Wildlife Service and NOAA Fisheries Seek Public Input on Proposed Reforms to Improve & Modernize Implementation of the Endangered Species Act July 19, 2018

Continuing efforts to improve how the Endangered Species Act (ESA) is implemented, the U.S. Fish and Wildlife Service and National Oceanic Atmospheric Administration (NOAA) Fisheries today proposed revisions to certain regulations to ensure clarity and consistency. The changes incorporate public input, best science and best practices to improve reliability, regulatory efficiency and environmental stewardship.

"The Trump Administration is dedicated to being a good neighbor and being a better partner with the communities in which we operate. One thing we heard over and over again was that ESA implementation was not consistent and often times very confusing to navigate. We are proposing these improvements to produce the best conservation results for the species while reducing the regulatory burden on the American people," said U.S. Fish and Wildlife Service Principal Deputy Director Greg Sheehan. "We value public input and have already incorporated initial public comments we received in response to our notices of intent published in 2017. We encourage the public to provide us additional feedback to help us finalize these rules."

"We work to ensure effective conservation measures to recover our most imperiled species," said Chris Oliver, NOAA Assistant Administrator for Fisheries. "The changes being proposed today are designed to bring additional clarity and consistency to the implementation of the act across our agencies, and we look forward to additional feedback from the public as part of this process."

Several proposed changes relate to section 4 of the ESA, which deals with procedures for listing species, recovery and designating critical habitat (areas essential to support the conservation of a species). First, the agencies propose to revise the procedures for

designating critical habitat by reinstating the requirement that they will first evaluate areas currently occupied by the species before considering unoccupied areas. Second, the agencies propose to clarify when they may determine unoccupied areas are essential to the conservation of the species.

While the agencies recognize the value of critical habitat as a conservation tool, in some cases, designation of critical habitat is not prudent. Accordingly, they are proposing a non-exhaustive list of circumstances where they may find that designation for a particular species would not be prudent. The agencies anticipate that such not-prudent determinations will continue to be rare and expect to designate critical habitat in most cases.

The ESA defines a threatened species as one that is likely to become in danger of extinction within the "foreseeable future." For the first time, the agencies are proposing an interpretation of "foreseeable future" to make it clear that it extends only as far as they can reasonably determine that both the future threats and the species' responses to those threats are probable.

The agencies are also clarifying that decisions to delist a species are made using the same standard as decisions to list species. In both cases, that standard is whether a species meets the established ESA definition of an endangered species or threatened species.

The U.S. Fish and Wildlife Service is separately proposing to rescind its blanket rule under section 4(d) of the ESA, which automatically conveyed the same protections for threatened species as for endangered species unless otherwise specified. This brings its regulatory approach to threatened species protections in line with NOAA Fisheries, which has not employed such a blanket rule. The proposed changes would impact only future listings or downlistings and would not apply to those species already listed as threatened. The U.S. Fish and Wildlife Service will craft species-specific 4(d) rules for each future threatened species determination that are necessary and advisable for the conservation of the species, as has been standard practice for most species listed as threatened in recent years.

"No two species are the same, and so by crafting species-specific 4(d) rules for threatened species, we can tailor appropriate protections using best available science according to each species' biological needs," said Sheehan. "By creating a clearer regulatory distinction between threatened and endangered species, we are also encouraging partners to invest in conservation that has the potential to improve a species' status, helping us work towards our ultimate goal: recovery."

Under section 7 of the ESA, other federal agencies consult with the U.S. Fish and Wildlife Service and NOAA Fisheries to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species or result in "destruction or adverse modification" of critical habitat. The proposed rule simplifies and clarifies the definition of "destruction or adverse modification" by removing redundant and confusing language. The proposed rule is not intended to alter existing consultation practice; rather, it seeks to revise and clarify language that was confusing to other federal agencies and the public.

Additional proposed revisions to the consultation regulations will clarify whether and how the U.S. Fish and Wildlife Service and NOAA Fisheries consider proposed measures to avoid, minimize or offset adverse effects to listed species or their critical habitat when conducting interagency consultations and will improve the consultation process by clarifying how biological opinions and interagency submissions should be formulated.

The proposed rules are available [here](#) and will publish in the Federal Register in coming days, including detailed information on how the public can submit written comments and information concerning these provisions.

Comments must be received within 60 days of publication. All comments will be posted on <http://www.regulations.gov>. This generally means any personal information provided through the process will be posted.

<http://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-and-noaa-fisheries-seek-public-input-on- ID=36286>

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